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In re Application of	:	
WINTER (Deceased)	:	DECISION ON
Application No.: 10/523,063	:	
PCT No.: PCT/EP03/08445	:	REQUEST
Int. Filing Date: 30 July 2003	:	
Priority Date: 13 August 2002	:	UNDER 37 CFR 1.42
Attorney Docket no.: 081539-000000US	:	
For: METHOD FOR THE TREATMENT OF	:	
FIBER MATERIAL	:	

This is a decision on applicant's Response to Decision on Request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 18 August 2006. Applicant requests a two month extension of time, which is granted.

BACKGROUND

On 01 September 2005, a Notification of Missing Requirements was mailed to applicant indicating that to satisfy the requirements of 35 U.S.C. 371(c), an oath or declaration of the inventors be furnished.

On 21 October 2005, applicant filed a response to the Notification with a declaration which was signed by 8 inventors and by the legal representative for deceased inventor Peter-Rigobert Winter. The declaration identifies Erika Winter as the heir of deceased inventor Peter-Rigobert Winter.

On 17 April 2006, a decision on applicant's petition was mailed indicating that the declaration was unacceptable for several reasons: (1) the declaration did not state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the heir, for compliance with 37 CFR 1.497(b)(2); (2) it was unclear whether Erika Winter is the only heir of deceased inventor Peter-Rigobert Winter; (3) the declaration was comprised of nine pages, containing one page 1 and one page 2 and seven duplicate page 3 signature pages.

On 18 August 2006, applicant filed 9 newly executed declarations.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. The

declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

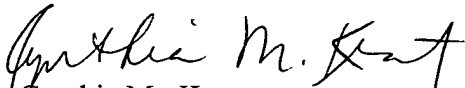
Petitioner submitted nine (9) newly executed declarations. The declarations submitted are acceptable. The attorney of record states that each declaration states the country of citizenship, residency and mailing address for *both* the deceased inventor and the heir, for compliance with 37 CFR 1.497(b)(2) and that Erika Winter is the sole heir of deceased inventor Peter-Rigobert Winter. (See MPEP §409.01(a)). The new declarations indicate that Erika Winter is the sole heir for the deceased inventor.

Petitioner provided nine, separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have been met and the declarations are acceptable as filed. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is GRANTED.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **18 August 2006**.


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